

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
(WESTERN DIVISION)

JOHN DUDENHOEFFER, *et al.*,

Plaintiffs,

vs.

FIFTH THIRD BANCORP, *et al.*,

Defendants.

Civil Action No.: 08cv538

ORDER AMENDING PLAN OF ALLOCATION

This matter came before the Court upon the Parties' Joint Motion to Re-Open Case for the Limited Purpose of Amending Plan of Allocation, (the "Joint Motion") (Dkt. No. 143).

Having considered the Parties' Joint Motion and for good cause shown, the Court is of the opinion, and so finds, it will grant the relief requested.

IT IS, THEREFORE, ORDERED BY THE COURT that the original Plan of Allocation (Dkt. No. 139) is amended as follows to address the residual funds in the Settlement Fund that remain after two prior distributions pursuant to the original Plan of Allocation, and as a result of uncashed Settlement checks.


1. There are currently 1,296 checks that remain uncashed. The Settlement Administrator performed a Social Security Number skip trace on those 1,296 records in order to update addresses in preparation for reissuing uncashed checks in a third distribution ("Third Distribution"). The Settlement Administrator was able to successfully update addresses for 896 Settlement Class Members. Those 896 Settlement Class Members shall have a check reissued to

them in the amount of their original Settlement check that remains uncashed. The checks shall be valid for ninety (90) days from the date of issue.

2. If, after the ninety (90) day period there are funds remaining in the Settlement Fund, a *cy pres* payment shall be issued by check to the Center for Financial Services Innovation.

3. The Court will retain jurisdiction over the Amended Plan of Allocation to the extent necessary to ensure that it is fully and fairly implemented.

SO ORDERED this 16TH day of March, 2018.


Hon. Sandra S. Beckwith
United States District Judge